

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL CLAYVON CURRY,

Plaintiff,

v.

ADULT CORRECTIONAL HEALTH, et  
al.,

Defendants.

No. 2:23-cv-01170 KJM AC P

ORDER

Plaintiff, a county jail inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 23, 2023, plaintiff was ordered to file a properly completed in forma pauperis application and a prisoner trust fund account statement, because the first one he had filed was deficient. ECF Nos. 2, 4 (IFP application docketed 6/20/23; court order, respectively). He was given thirty days to do so. ECF No. 4 at 2. Plaintiff neither filed the required documents nor responded to the court's order in any way. As a result, on September 12, 2023, the court recommended that this matter be dismissed for failure to prosecute. ECF No. 6.

On September 18, 2023, plaintiff filed a second application to proceed in forma pauperis. ECF No. 7. It is deficient because once again, the certificate portion of the application is

1 incomplete. In addition, plaintiff has again failed to file a certified copy of his inmate trust  
2 account statement for the six month period immediately preceding the filing of the complaint.  
3 See 28 U.S.C. § 1915(a)(2).

4 In light of plaintiff's attempt to comply with the June 2023 order, it appears that he still  
5 wishes to prosecute this case. Accordingly, the undersigned will vacate the pending findings and  
6 recommendations order. In addition, plaintiff will be provided a *final* opportunity to submit the  
7 proper documents.

8 For the reasons explained above, IT IS HEREBY ORDERED that:

9 1. The Clerk of Court is directed to send plaintiff a second Application to Proceed In  
10 Forma Pauperis By a Prisoner;


11 2. Plaintiff's second application to proceed in forma pauperis (ECF No. 7), is DENIED  
12 as incomplete;

13 3. The findings and recommendations issued September 12, 2023 (ECF No. 6), are  
14 VACATED; and

15 4. Within thirty days from the date of this order, plaintiff shall file a completed affidavit  
16 in support of the request to proceed in forma pauperis on the form provided by the Clerk of Court,  
17 and a certified copy of the inmate trust account statement for the six-month period immediately  
18 preceding the filing of the complaint.

19 **Plaintiff is cautioned that absent exigent circumstances, failure to comply with this**  
20 **order within the time allotted will result in a recommendation that this action be dismissed**  
21 **without prejudice.**

22 DATED: September 21, 2023

23   
24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE  
26  
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